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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,344	10/12/2001	Stephen G. Malloy Desormeaux	83095RLW	1357

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EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,344

Applicant(s)MALLOY DESORMEAUX,
STEPHEN G.**Examiner**

Rashawn N Tillery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16,18-20,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 17,21,22 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 20, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Petruchik et al (US5619738).

Regarding claim 16, Petruchik discloses, in figures 2 and 4, a hybrid camera for use with a film unit, the camera comprising:

a body (10);

an archival image capture unit (12) mounted in the body, the archival image capture unit selectively capturing archival images in the film unit;

an assigner selectively switchable to associate a designation of one of a plurality of different geometric formats with each of the archival images (Petruchik teaches an input for selecting a print format- each having a predetermined size and aspect ratio; see col. 2, lines 21-33); and

an electronic subsystem (14) mounted in the body, the electronic subsystem having an imager (40) capturing electronic images corresponding to the archival images, memory storing the electronic images (82, 55), and a controller (76) operatively connected to the memory, the controller selectively abridging the electronic images in

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the memory to the geometric formats of corresponding archival images (see col. 5, line 16 to col. 6, line 3).

Regarding claim 20, Petruchik discloses the archival images have an aspect ratio that is the same as in one of the geometric formats (Petruchik teaches the film is in a 35mm format; see col. 4, lines 1-4).

Regarding claim 23, Petruchik discloses, in figures 2 and 4, a hybrid electronic-film camera for use with photographic film, the camera comprising:

- a body having a film space holding the photographic film (12);

- a signaler operatively disposed to signal when the film is removed (inherent feature);

- a capture system disposed in the body, the capture system being selectively actuable to capture a series of light images as image pairs, each image pair having a latent film image and electronic image of the same light image, the capture system having a film capture unit capturing the latent images on the photographic film in a first geometric format, the capture system having an electronic capture unit capturing the electronic images (see col. 3, line 44 to col. 4, line 24);

- memory (82, 55) disposed in the body, the memory being operatively connected to the electronic capture unit, the memory storing all of the electronic images;

- a format designator selectively switchable, in relation to each image pair, among a first designation and one or more alternative designations, the first designations identifying the first geometric format, the alternative designations each identifying an alternative geometric format, the alternative geometric formats being different from each

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other and from the first geometric format (Petruchik teaches an input for selecting a print format- each having a predetermined size and aspect ratio; see col. 2, lines 21-33);

a film writer writing the designations to the film in association with respective latent images (see col. 4, lines 14-24);

a controller (76) operatively connected to the signaler, the memory, and the format designator, the controller writing the designations to the memory in association with respective electronic images, the controller, responsive to the signaler signal, abridging the electronic images in the memory to the geometric formats of respective designations (see col. 5, line 16 to col. 6, line 3).

Regarding claim 24, Petruchik discloses the memory stores all of the images in the first geometric format prior to the abridging (see col. 4, lines 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Petruchik in view of Reele (US5619257).

Regarding claim 18, Petruchik teaches writing formatting- aspect ratio, print size- information on film. Petruchik does not expressly disclose the electronic subsystem has a communications port operatively connectable to the memory to download the

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electronic images. Reelee teaches downloading images directly to computer 18 for storage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Petrushik's device by implementing Reelee's teachings. One would have been motivated to do so in an effort to directly transfer editing decisions from the camera to photofinishing.

Regarding claim 19, the controller abridges all of the electronic images responsive to the download of the electronic images (The examiner notes that when the image data is transferred it is inherently compressed).

Allowable Subject Matter

1. Claims 1-15 are allowed.

Regarding claims 1 and 7, the prior art does not teach or fairly suggest a method for capturing and storing image in a camera comprising the steps of capturing a plurality of image pairs, each pair having an archival image and an initial electronic image, storing the initial electronic images, recording a designation of an alternative geometric format, removing the film unit, abridging the initial electronic images to the alternative geometric format and replacing, in the memory, the initial electronic images with the abridged electronic images.

Regarding claim 12, the prior art does not teach or fairly suggest a method for capturing and storing image in a camera comprising the steps of capturing a plurality of image pairs, each pair having an archival image and an initial electronic image, storing the initial electronic images, assigning a plurality of geometric formats to each pair,

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removing the film unit, concurrent with the removing, abridging the initial electronic images to the alternative geometric format and replacing, in the memory, the initial electronic images with the abridged electronic images.

2. Claims 17, 21, 22 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 17, the prior art does not teach or fairly suggest a hybrid camera for use with a film unit comprising a body, an archival image capture unit, an assigner and an electronic subsystem, wherein

the archival image capture unit further comprises a film holder selectively switchable from holding the film unit to freeing the film unit and the controller abridges all of the electronic images responsive to the freeing.

Regarding claim 21, the prior art does not teach or fairly suggest a hybrid camera for use with a film unit comprising a body, an archival image capture unit, an assigner and an electronic subsystem, wherein

the controller is operatively connected to the assigner and, concurrent with the capturing, writes the designations to the memory in association with corresponding the electronic images, and, concurrent with the abridging, deletes the designations from the memory.

Regarding claim 22, the prior art does not teach or fairly suggest a hybrid camera for use with a film unit comprising a body, an archival image capture unit, an assigner and an electronic subsystem, wherein

the assigner is selectively switchable to associate a designation of one of a plurality of different print quantities with each of the archival images; the controller is operatively connected to the assigner; the controller, concurrent with the capturing, writes the designations to the memory in association with corresponding electronic images; and the controller, concurrent with the abridging, deletes the designations from the memory.

Regarding claim 25, the prior art does not teach or fairly suggest a hybrid electronic-film camera comprising a body, a signaler, a capture system, a memory, a format designator, a film writer and a controller, wherein

the controller deletes the designations from the memory concurrent with the abridging.

Conclusion


1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lourette et al teach a hybrid camera with internal fixed album memory; Miyadera teaches a display control system for a hybrid camera.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT


AUNG MOE
PRIMARY EXAMINER